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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------|-------------|----------------------|---------------------|------------------|
| 09/988,447 | 11/20/2001 | Rie Saito | 35.C15963 | 8541 |
| 5514 | 7590 | 03/21/2006 | EXAMINER | |
| FITZPATRICK CELLA HARPER & SCINTO | | | SERRAO, RANODHI N | |
| 30 ROCKEFELLER PLAZA | | | ART UNIT | |
| NEW YORK, NY 10112 | | | PAPER NUMBER | |
| | | | 2141 | |

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,447

Applicant(s)

SAITO, RIE

Examiner

Ranodhi Serrao

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11 January 2006 have been fully considered but they are not persuasive.
2. The applicant argued in substance the newly added claims 17 and 18. However, upon further examination, it has been determined that the prior art of record teaches all of the newly added limitations as claimed. See rejections below.
3. The applicant argued that Walker simply gives a user request to the first expert to respond, rather than notifying the user of the experts selected at all. This however is not true since in columns 37 and 38, Walker describes the various processes used to select the experts, and then the user is notified of the selection, see col. 38, lines 23-25.
4. The applicant furthermore argued that Walker is not understood to disclose transferring the question information and the information relating to the communication ability of the user terminal. The examiner points to columns 26 and 27 wherein Walker describes a user's request to conduct communication online, and the request is then sent to an expert. In this process it is inherent that the communication ability of the user must be sent to the expert, in this case online communication. In conclusion the prior art of record teaches the invention as claimed. See rejections below.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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6. Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (5,862,223).

7. As per claim 17, Walker et al. teaches a help server, which is capable of communicating with a user terminal and a helper terminal for providing information to said user terminal (col. 13, lines 35-47), comprising; storing means for storing information relating to a plurality of helper terminals (col. 14, lines 25-41); first receiving means for receiving question information from said user terminal (col. 16, line 62-col. 17, line 12); extracting means for extracting information relating to at least one helper terminal from said storing means on the basis of the question information received by said first receiving means (col. 17, lines 13-35); second receiving means for receiving, from said user terminal, information relating to the communication ability of the user terminal (col. 14, lines 42-49); transferring means for transferring the question information and the information relating to the communication ability of the user terminal, to each of the helper terminals extracted by said extracting means on the basis of the information of the at least one helper terminal (col. 21, lines 12-26); third receiving means for receiving, from each of the helper terminals, a response to the question information and the communication ability information, transferred by said transferring means to each helper terminal (col. 21, lines 38-62); selecting means for selecting at least one helper terminal on the basis of the response received by said third receiving means (col. 25, lines 1-20); and notifying means for notifying said user terminal of said at least one helper terminal selected by said selecting means (col. 37, lines 6-18 and col. 38, lines 12-25), wherein said user terminal communicates with at least one of the

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helper terminals of which said user terminal has been notified by said notifying means (col. 39, lines 30-36).

8. As per claim 18, Walker et al. teaches an apparatus, wherein said second receiving means further receives information for a payable charge from said user terminal (col. 21, line 63-col. 22, line 11).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571) 272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER